

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JONATHAN F. RAMOS,

Plaintiff,

vs.

TYSON FRESH MEATS, INC.,

Defendant.

8:20CV375

FIFTH AMENDED  
CASE PROGRESSION ORDER

This matter comes before the Court on the Unopposed Motion for Extension of Time to Disclose Expert Witnesses and Expert Reports ([Filing No. 50](#)). After review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Unopposed Motion for Extension of Time to Disclose Expert Witnesses and Expert Reports ([Filing No. 50](#)) is granted, and the fourth amended case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant:	<b>February 17, 2023</b>
Plaintiff's rebuttal:	<b>April 3, 2023</b>

- 2) The deadlines for completing expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	<b>January 18, 2023</b>
For the defendant:	<b>March 20, 2023</b>
Plaintiff's rebuttal:	<b>April 14, 2023</b>

- 3) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **March 24, 2023**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, remains **March 29, 2023**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **ten (10)**.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) The deadline for filing motions to dismiss and motions for summary judgment remains **May 24, 2023**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **May 31, 2023**.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 12<sup>th</sup> day of January, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge